



## New Jersey Department of Children and Families Policy Manual

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### **Medical, Psychiatric or Psychological Examination, Treatment and Medical Consultation 2-6-2012**

The Child Protective Investigator shall obtain permission from a parent or, in the absence of such permission, obtain a court order to arrange for the child and each of his or her siblings and any other child in the household to receive appropriate medical evaluation and treatment whenever:

- The child has suffered serious physical harm;
- The allegation or other information gathered indicates that the child suffered internal injury; or
- The allegation or other information gathered indicates that the child suffered sexual abuse.

“The Department representative shall arrange for the alleged child victim and each of his or her siblings or any other child in the household to receive appropriate and immediate medical screening, care, and treatment, pursuant to N.J.S.A. 9:6-8.30c, when an alleged child victim has been removed from his or her home.” (N.J.A.C. 10:129-5.6(a))

If there are marks of any sort that indicate or suggest that there are old or new injuries that may have been caused by abuse or neglect, the Worker arranges for the child to be examined and treated by a doctor. Similarly, if there is any doubt whatsoever about the seriousness of the child's injuries or general physical condition, the Worker arranges a medical examination.

Click here to view [CP&P-V-A-1-1300](#), Pre-Placement and Re-Placement Assessment.

Immediacy is important for two reasons: first, the child may be at risk if prompt medical treatment is not provided. Secondly, physical injuries need to be professionally examined and documented before they begin to heal or disappear. This is not only important for possible court documentation, it is important to an accurate assessment of

the level of risk that the child and his siblings (or other children in the home) are experiencing.

If the Worker has any question regarding the wisdom of the child being physically moved due to the nature of the injury, the Worker calls a rescue squad or the local police.

The Worker tries to get the parent's consent and cooperation in making arrangements for an examination. Parental consent for a medical examination is required. If the parent refuses to allow the child to be examined, the Worker may remove the child on an emergency basis, if warranted. If an emergency removal without parental consent or court order (Dodd removal) is not warranted, the Worker may, in consultation with his or her Supervisor, seek the intervention of the Superior Court, Chancery Division, and Family Part in order to have the child examined and treated by a medical professional.

The Worker may only remove a child from a school or other facility for the purpose of a CPS medical examination when CP&P has written parental consent or the authority to consent to the examination, e.g., removal under N.J.S.A. 9:6-8.27 (temporary removal with consent), or N.J.S.A. 9:6-8.29 (emergency removal without consent).

The Worker requests written statements from the attending doctors and all hard-copy medical records at the time of the child's treatment. The Worker follows up the verbal request with a written request. CP&P is exempted from paying for copies of records needed to complete an investigation of child abuse or neglect or to provide services to an abused or neglected child (N.J.S.A. 9:6-8.40).

If the child requires on-going medical care, the Worker and Supervisor must decide whether the parents or caregivers are willing and capable of following through with the treatment. Substance-abusing caregivers cannot be entrusted with this role on their own, no matter how sincere and capable they may seem when they are sober.

The Child Health Unit may be contacted to discuss the need for, or advisability of, arranging for a medical examination or a psychiatric/psychological evaluation. See [CP&P-V-A-1-300](#).

A list of bodily indicators of physical abuse, sexual abuse, and/or severe neglect, along with notes and comments about the indicators is contained in [CP&P-II-C-5-700](#). Although the presence of the indicators does not always prove that maltreatment occurred, the indicators strongly suggest maltreatment and should trigger in-depth investigation and should lead to prompt expert medical examination.

## **Psychiatric or Psychological Evaluation      12-13-2011**

“The child protective investigator may arrange for a psychiatric or psychological evaluation for the alleged child victim with parental consent or with a court order, whenever the child protective investigator has reason to believe that the alleged child victim may have suffered serious emotional harm.” (N.J.A.C. 10:129-5.6(b))

## **Purpose of Medical Examination      2-24-97**

The purpose of the medical examination is to:

- ensure that the child receives necessary medical treatment;
- document serious, suspicious, or repeated injuries or conditions and obtain an expert opinion of the injuries and how they were caused; and
- document medical evidence for court.

When a child is alleged to have been sexually abused, the purpose of a medical examination is:

- to identify physical trauma or conditions that will require medical attention and/or monitoring (e.g., physical injury, pregnancy, sexually transmitted disease),
- to collect any corroborating evidence of sexual abuse,
- to reassure the child victim regarding his physical condition,
- to identify and treat any injuries or associated conditions which are present. (Injuries/conditions which resulted in scarring, or are in the process of healing are documented, as well), or
- in the absence of trauma, to document the child's current physical condition/appearance of the genitalia.

### **Consent for Medical Examination and Treatment 2-24-97**

Whenever a child has been or is suspected to have been injured as a result of abuse or neglect, parental consent is obtained in order to arrange for and provide medical examination and treatment.

However, when a child is removed pursuant to N.J.S.A. 9:6-8.27 or 8.29, the law mandates CP&P to arrange for immediate medical examination of the child and gives CP&P the legal authority to consent to medical examination. If necessary to safeguard that child's health or life, the law further authorizes CP&P to arrange for the consent to medical care or treatment of the child.

The above mandate and authorizations (N.J.S.A. 9:6-8.30c) apply when a child, due to imminent danger, is removed:

- without consent and without a court order by CP&P, or
- without consent and without a court order by another agency given such authority under this statute, or
- with parental consent by a non-CP&P agency or individual.

CP&P also may arrange for and consent to a child's medical examination and/or treatment when:

- CP&P has custody of the child by agreement or by court order, or
- CP&P has guardianship of the child, or
- there is a court order specifically giving CP&P such authorization.

CP&P may not consent to medical treatment when a child is in protective custody (hospital hold) until protective custody ends and CP&P has obtained a written agreement to place signed by the parent(s) or has obtained a court order which authorizes CP&P to consent to medical treatment.

#### **Criteria for Second Examinations 2-10-94**

If the parent has taken the child to the doctor and, after conferring with the doctor, the Worker is dissatisfied with the extent or adequacy of the examination, the results of the examination, or the doctor's opinion as to the cause of the child's injuries, the Worker shall request the parents' permission to have the child examined by another physician.

See [CP&P-V-A-1-300](#).

#### **Parents Refuse Medical Examination and/or Treatment 2-10-94**

When the parents refuse medical examination and/or treatment and CP&P does not have the authority to consent, consult the DAG. The DAG may be requested to seek a preliminary order for a medical examination/treatment or may file a complaint with the Family Part Superior Court for an order permitting CP&P to consent to an independent medical examination or treatment. When parents refuse to provide medical care on religious grounds, the DAG is consulted and may be requested to seek an order for medical examination and/or treatment.

#### **Payment for Medical Examination/Treatment During CPS Investigation 2-10-94**

Parents are responsible to pay for the medical care their child receives, including use of their insurance coverage. When there are no resources available to a parent, the child may be enrolled in the Code 65 program effective the date of the CPS medical examination. The Worker follows the procedures for registering the child in that program. See [CP&P-V-A-4-100](#).

If the parents or caregivers refuse to pay for the CPS examination and refuse to cooperate with Code 65 eligibility procedures, CP&P may pay on a CP&P Form [K-100](#), Client Service Invoice, if the provider is a "one-time" non-contracted provider. If the provider is a "contracted" provider, he or she submits charges for the examination on his or her monthly CP&P Form [K-100](#), Billing Spreadsheet, to the appropriate Local Office via the "[Secure Billing](#)" process. The Local Office Manager's approval on the CP&P [Form 16-76](#), Special Approval Request, must accompany the invoice in either situation. If the child is placed in an alternative living arrangement paid by CP&P, the Worker completes a determination of eligibility for Code 60 Medicaid.